

TOWN OF WEBSTER
Office of Selectmen
945 Battle Street/Rte. 127
Webster, NH 03303

Webster Board of Selectmen's Meeting – July 13, 2009

7:02 P.M. Roll Call – Present: Chairman Thomas Mullins, Selectman George Hashem and Selectman Dave Klumb and Town Counsel Barton Mayer.

Selectman Hashem made a motion to accept the minutes of June 29, 2009 as written; seconded by Selectman Klumb and approved.

The Board signed the following for Administrative Assistant Judith Jones:

- Purchase Order #17 in the amount of \$970.00 to Ray Kimball for painting a portion of the Town Hall (material and labor) and repair of the Library Drop Box. Selectman Hashem made a motion to approve, seconded by Selectman Klumb and approved.

A completed Building Permit Application for Map 10 Lot 1-111 on Deer Meadow Road was presented for signature. Selectman Klumb questioned whether we knew if there was a well on that property. PB/ZBA Secretary Mary Smith will research the matter.

The Board signed the payroll check and vendor manifests. Financial Administrator Wendy Pinkham presented a notice regarding the NH retirement System. As of July 1, 2009, since adoption of State Budget HB2, the Town is required to include the retirement costs as part of the payment for any Police Details. Ms. Pinkham suggested that she would do the reporting and this was agreed to by Chief Milano. Due to the fact that one of the oil bids (which had been received on time) had not been presented at the last meeting. Selectman Hashem made a motion to withdraw the previous award. Motion seconded by Selectman Klumb and approved. The bids were reviewed again and Selectman Hashem made a motion to award the oil contract to A.D.& G. Fuel Co., Inc. at \$2.049 per gallon for up to 2100 gallons from November 1, 2009, through April 30, 2010. The motion was seconded by Selectman Klumb and approved. Invoices must be paid within 14 days of delivery.

Police Chief Milano presented his semi-monthly report.

An estimate from Davis Auto Body for repairs to the GMC "Jimmy" was discussed. The party responsible for the original accident had offered to fix the damage, but that has not been done at this time. Chief Milano stated that the accident was not reportable because of the dollar amount involved. However, he did have a record of the incident and could put together a narrative. Ms. Pinkham was asked about the normal procedure for filing a claim with the insurance company. Normally, the report would be submitted to the insurance company and then the claim would be paid. After that, our insurance company would file a subrogation claim with the responsible party's insurance company. However, the Town has a \$1,000.00 deductible and the repairs are estimated at \$712.00. Chief Milano advised that he would approach the responsible party for payment in the amount of the repair estimate. It was agreed that payment of this amount plus the sale amount would make the Town whole.

Resident Bruce Johnson read a commendation to the Police Department concerning a June 30 arrest. The written commendation is attached to and made a part of these minutes.

Fire Chief Pouliot requested approval to withdraw \$1,936.65 from the Forest Fire Capital Reserve Fund for a portable pump. Half of the money will be matched by the State after the Town has paid the full amount. A motion was made by Selectman Hashem to approve the request and seconded by Selectman Klumb and approved. It was suggested that an article be drafted for the next Town Meeting to return the money from the State to the Forest Fire Capital Reserve Fund. The Town received notification that the case of STATE v. SHAWN MITCHELL is now being handled at the Sullivan County Attorney's Office. County Attorney Marc Hathaway would like to meet with a representative from the Town of Webster. Chief Pouliot requested to be the representative for the Town. Selectman Hashem made a motion to approve Chief Pouliot's request, it was seconded by Selectmen Klumb, and it was approved.

Road Agent Emmett Bean reported that everything is quiet. The roads are rough.

Resident Carol Neville contacted the Selectmen's Office to report ("not a complaint") that Roby Road is full of holes. This was noted by Road Agent Emmett Bean. He stated that there is probably one more month before the Warner Connors Mill Road bridge replacement will be complete.

The Board acknowledged with gratitude Dot Haskin's donation of her time painting the floor in the kitchen and main dining area. A thank you note will be sent.

Under "old business", Selectman Klumb made a motion to accept the donation of the land at Map 10, Lot 4-72A, New Hampshire Drive, from Mr. Gabe Gabriele. The motion was seconded by Selectman Hashem and approved. At the next meeting, the abatement of taxes due on this property will be discussed.

7:30 p.m. The sealed bids for the 1993 GMC "Jimmy" were opened. John Little bid \$200.00 and Eric Rodd bid \$300.00. The bid was awarded to Eric Rodd. Mr. Rodd will be notified that he has until July 20 to present the funds in cash or money order or bank check.

Ron Frost spoke giving an update on the use of his Current Use Land. He has done some research and also spoke with Linda Kennedy at DRA asking if the Current Use status would be affected by the use of Motorized Vehicles on the land. She said there was nothing specific in the law about that. The law was designed to keep the land undeveloped. If the property owner allows recreation use there is an additional 20% reduction in taxes. Property owners may post against motorized vehicle use and still maintain the 20% reduction. He inferred, therefore, that motorized vehicle use is permissible. Ron's son, Ryan, visited neighbors and delivered letters explaining what they were doing. The building on the lot that was previously mentioned will no longer be a problem since it will be removed. The Frosts are looking to the Selectmen as the Town's "assessing authority" to approve their use of the property as recreational. Selectman Klumb made a motion to agree as long as the use continues as described. Motion was seconded by Selectman Hashem and approved. The Town's assessors will be notified that they do not have to visit the property.

In regards to the letter received from Mr. Mueller, it was suggested by LGC Attorney Dave Connell that, since the Town did not have timely notice from Mr. Mueller, the Statue of Limitation under RSA 508:4 (3 years) seems to have expired concerning a request to replace a boundary marker that was apparently inadvertently removed by the then Road Agent. Administrative Assistant Judy Jones will prepare a reply to Mr. Mueller.

7:44 p.m. Selectman Hashem made a motion to go into non-public session to discuss a police personnel issue pursuant to RSA91-A:3II(a), seconded by Selectman Klumb and approved. Roll Call: Chairman Mullins – yes; Selectman Klumb – yes; and Selectman Hashem – yes. Lieutenant Mitchell requested that since he is currently the only personnel in the police department he would like to have the discussion held in public. The Town's Attorney Bart Mayer stated that there is no right under this statute to allow the hearing to be held in public.

7:56 p.m. The Board returned to the public forum. Selectman Klumb made a motion to seal the minutes, seconded by Selectmen Hashem and approved.

8:00 p.m. Selectman Hashem made a motion to go into non-public session pursuant to RSA 91-A:3II(b) to discuss contract issues. Motion was seconded by Selectman Klumb and approved. Roll Call: Chairman Mullins – yes; Selectman Klumb – yes; and Selectman Hashem – yes.

8:12 p.m. The Board returned to the public forum. Selectman Hashem made a motion to seal the minutes, seconded by Selectman Klumb and approved.

8:13 p.m. Selectmen Hashem made a motion to adjourn. Resident Bruce Johnson stated a "point of order". Can a discussion be held on the agenda item "efficient and economical use of public safety resources"? Chairman Mullins stated that the item is being passed over and that there is a motion on the floor to adjourn. Selectman Klumb seconded the motion to adjourn and it was approved.

Thomas S. Mullins-Chairman
BOS/ms

David E. Klumb

George K. Hashem

As a resident of this community, I would like to commend both Chief Milano and Lt. Mitchell for their work on June 30th, 2009 catching and arresting a person wanted in two states. Your detective and police work helped to take a possible drug dealer off the streets and helped to make this town safer. I thank you.

Bruce Johnson

July 13, 2009